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December 10, 2009

VIA ECF & FEDERAL EXPRESS:

Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ofori, et al. v. Central Parking System of New York, Inc.*,
No. 1:06-cv-00128 (KAM) (JMA)

Dear Judge Matsumoto:

We represent the Plaintiffs in the above referenced action and write to provide the Court with a collective action certification decision in *Craig v. Rite Aid Corporation* entered by Judge E. Jones III of the Middle District of Pennsylvania December 9, 2009, a case in which we are counsel. (See Exhibit A, hereto.)

The significance of this decision is that, as here, the position at issue--assistant store managers—had both exempt and non-exempt employees. In other words, some of the Defendant's assistant store managers were classified as non-exempt, and some were classified as exempt under the FLSA. The Court of the Middle District of Pennsylvania approved the certification of a class of:

All individuals classified as exempt from the FLSA's overtime pay provisions and employed as salaried Assistant Store Managers during any workweek during the previous three years in any of the 4901 stores identified in Rite Aid's Corporation's April 17, 2009 Annual Report as being operated by Rite Aid Corporation.

Slip. Op. at 9.



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This Court should adopt the conclusion reached by the Court in *Craig v. Rite Aid Corporation*, that conditional certification under the FLSA is warranted even when some of Defendant's employees with the same title as the putative collective action class are classified as non-exempt and deny Defendant's motion for reconsideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "Fran L. Rudich". The signature is written in a cursive, flowing style.

Fran L. Rudich

Cc: James N. Boudreau, Esq. (via e-mail)



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